

EEO 80-376
24 January 1980

MEMORANDUM FOR: Chairman, Uniform Guidelines On Employee
Selection Procedures Task Force

ILLEGIB FROM

Omego J. C. Ware, Jr., Director
Equal Employment Opportunity

SUBJECT : Comments on Task Force Implementation Plan

1. As a matter of record I wish to note that I am pleased with the diligence and quality of effort displayed by the Task Force in producing this Plan for the inaugural CIA implementation of the Uniform Selection Guidelines. The Task Force is to be commended for its effort and ingenuity. My comments are addressed primarily to the specific recommendations of the task force.

Recommendation Two

Since ultimately all of the selection processes of the Agency will be scrutinized, is it possible that recommendation two could be extended to all Agency employees. The sex and ethnic identification of employees will be necessary to ascertain adverse impact in areas other than hiring including for example, promotion, training, employee development.

Recommendation Three

I consider it vital that Recommendation Three and Recommendation Fourteen be combined in a single recommendation. My strong concern is that steps may be taken to ensure the lack of adverse impact in the selection of "applicants," as defined in your recommendation three, I am equally concerned that adverse impact not occur during selection as it occurs prior to an applicant's designation as "applicant." For that reason, I also recommend that the penultimate line of your current recommendation fourteen be revised to read: "...to detect imbalance in the "pre-applicant" screening process."

Recommendation Four

I recommend that Recommendation Four be reworded to state: "The Office of Personnel collect applicant and pre-applicant data (i.e., race, sex, etc. information) for all clericals, and forward monthly to the Office of EEO."

Recommendation Nine

Recommendation Nine should be reworded to state that the Office of Personnel collect data by race, sex, etc. on all applicants rejected for medical and security reasons and provide results monthly to the Office of EEO."

Recommendation Fifteen

I recommend that Recommendation Fifteen be reworded in accord with the edited version of that recommendation attached.

Recommendation Sixteen

I recommend that Recommendation Sixteen be revised to read, "if adverse impact exists, the Director EEO may, at his discretion, appoint an EEO Specialist to conduct an evaluation of the total selection process for the job category concerned." I further recommend that the second paragraph of text following Recommendation Sixteen be dropped.

Recommendations Eighteen and Nineteen

I strongly urge the acceptance of Recommendations Eighteen and Nineteen. Concurrently, I strongly urge the rejection of Alternative Recommendations Eighteen and Nineteen as well as Nineteen A.

I disagree with the concepts exemplified in the alternative recommendations, and I feel obliged to point out the basis for that conflict. If the Office of EEO and the Director of EEO are the base of Agency expertise in equity and the determination of adverse impact, then that expertise and resultant judgments should be as accepted as is the judgement of the Office of Medical Services in medical matters, the Office of Security in security matters, the Office of Personnel in personnel matters, and the Office of General Counsel in legal matters. Even if that were not the case, the "high-level management review" allegedly provided by the "Board" proposed in Alternative Recommendation Nineteen is not what it is purported to be. The membership of the Board does not consist of management, it consists of representatives of those components outside of the chain of command. Secondly, except for personal knowledge the only expertise in the matter of adverse impact on the Board would rest in the General Counsel. Thirdly, the presence on the Board of the Director of Personnel, who is responsible for the operation of major elements of the selection process suggests a conflict of interest.

Use of the phrase "promotes objectivity" as applied to the Board, suggests the presence of a fundamental lack of objectivity in the Office of EEO and in the position of Director EEO. Why

would there be less objectivity in the Director of EEO and the Office of EEO than in other non-line decision-making or enforcement components such as the Office of Security or the Office of Inspector General. With regard to Alternative Recommendation Nineteen A, the structure of this recommendation guarantees ineffectiveness by its design. As stated, lack of agreement with regard to adverse impact could only be presented for decision to the DDCI by agreement "of the Director EEO and the Head of the Directorate concerned."

Recommendations Twenty-One and Twenty-Two

I strongly recommend that a deadline, perhaps of December 1980, be placed on the Directors of Personnel and Equal Employment Opportunity and the Director of Training for the completion of these recommendations, if approved.


Omego J. C. Ware, Jr.

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